

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEREK CARRIER, DORA
CARRIER, ELIZABETH S.
NELSON, and CHRIS J. NELSON
individually, and on behalf of all
others similarly situated;

Plaintiffs,

vs.

RAVI ZACHARIAS
INTERNATIONAL MINISTRIES,
INC., a Georgia Domestic Non-Profit
Corporation; RZIM
PRODUCTIONS, INC., a Georgia
Domestic Non-Profit Corporation;
and MARGARET ZACHARIAS, in
her Capacity as ADMINISTRATOR
OF THE ESTATE OF RAVI
ZACHARIAS,

Defendants.

Case No.: 1:21-cv-03161-TWT

**PLAINTIFFS' MOTION FOR
ENTRY OF PLAINTIFFS'
PROPOSED STIPULATED
PROTECTIVE ORDER**

**PLAINTIFFS' MOTION FOR ENTRY OF PLAINTIFFS' PROPOSED
STIPULATED PROTECTIVE ORDER**

Plaintiffs Derek Carrier, Dora Carrier, Elizabeth S. Nelson, and Chris J. Nelson, individually and on behalf of all others similarly situated (collectively, “Plaintiffs”), and pursuant to Federal Rules of Civil Procedure Rule 16(b)(3)(B)(iv) and Rule 26, as well as Local Rule 7.1, hereby file this Memorandum of Law in Support of their Motion for Entry of Plaintiffs’ Proposed Stipulated Protective Order (“Motion”). In support thereof, Plaintiffs state as follows:

1. Plaintiffs seek an Order entering Plaintiffs’ Proposed Stipulated Protective Order. Plaintiffs’ Proposed Stipulated Protective Order is attached to this Motion as Exhibit A.
2. Plaintiffs bring this Motion pursuant to Federal Rules of Civil Procedure Rule 16(b)(3)(B)(iv) and Rule 26, as well as Local Rule 7.1. Plaintiffs seek the entry of their Proposed Stipulated Protective Order.
3. Plaintiffs Derek Carrier and Dora Carrier filed this action on August 4, 2021. Dkt. 1. Plaintiffs amended their complaint on September 22, 2021. Dkt. 37. This Court stayed discovery on November 17, 2021. Dkt. 48. That stay is still in effect. The Parties have not engaged in any discovery in this matter.

4. In their November 19, 2021 Joint Preliminary Report and Discovery Plan, Plaintiffs proposed that the Parties submit a Stipulated Protective Order within 14 days of the Court's order on the RZIM Defendants' motions to dismiss; Defendants did not agree. Dkt. 51 at 24.

5. On June 24, 2022, the Court held a Joint Scheduling Conference, during which the Court indicated that discovery would not commence, if it does commence, until September 21, 2022, and directing the Parties to file any motions before September 21, 2022.

6. The Parties have not yet agreed to a Stipulated Protective Order. Dkt. 56 at 14. Defendants circulated a proposed Stipulated Protective Order on November 18, 2021. *Id.* Plaintiffs circulated proposed edits to that Stipulated Protective Order on February 9, 2022. *Id.* To date, Defendants have not provided any edits to the draft Stipulated Protective Order that Plaintiffs returned to them on February 9, 2022. *Id.*

7. The RZIM Defendants "contend that the issue of a protective order should not be addressed unless and until the Court finds that class certification is appropriate." Dkt. 56 at 16.

8. Plaintiffs seek the entry of their Proposed Stipulated Protective Order before September 21, 2022, to ensure there are no barriers to commencing

discovery, should this Court (1) deny the RZIM Defendants' motion to strike or dismiss the class allegations or to deny class certification and (2) lift the discovery stay on September 21, 2022.

9. Plaintiffs are eager to begin discovery as soon as possible in September should the Court lift the stay and allow discovery. The Parties ordinarily would have started discovery 30 days after the appearance of a defendant by answer or motion. Fed. R. Civ. P. 26(a)(1); Civ. L. R. 26.1(A). The RZIM Defendants filed their first motion to dismiss on September 8, 2021. Dkt. 22.

10. Moreover, Plaintiffs owe a duty to the putative class and to the Court to file their motion for class certification as soon as is possible. The Federal Rules of Civil Procedure provide that "[a]t an early practicable time after a person sues or is sued as a class representative, the court must determine by order whether to certify the action as a class action." Fed. R. Civ. P. 23(c)(1)(A). The Northern District of Georgia's Local Rules ordinarily require Plaintiffs to file a motion for class certification within 90 days of filing the complaint. Civ. L. R. 23.1(B).

11. Plaintiffs need discovery to file a motion for class certification, and the Parties agree they need a protective order to engage in discovery. Dkt. 51 at 23.

12. In support of this Motion, Plaintiffs adopt and incorporate by reference the First Amended Complaint and the Memorandum of Law filed contemporaneously herewith, as if set forth fully herein.

WHEREFORE, Plaintiffs request that the Court enter an order as follows:

- A. Granting Plaintiffs' Motion for Entry of Plaintiffs' Proposed Stipulated Protective Order; and
- B. Granting any such other and further relief the Court deems necessary and appropriate.

Dated: July 8, 2022

Respectfully submitted,

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LOCAL RULE 7.1(D) CERTIFICATE OF COMPLIANCE

I hereby certify pursuant to Local Rule 7.1(D) of the United States District Court, Northern District of Georgia that the foregoing document has been prepared in accordance with the font type and point selections approved by the Court in Local Rule 5.1(B), using a font type of Times New Roman and a point size of 14.

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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022, I electronically filed the foregoing **PLAINTIFFS' MOTION FOR ENTRY OF PLAINTIFFS' PROPOSED STIPULATED PROTECTIVE ORDER** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record, according to the Court's Electronic Mail Notice List.

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